

REMARKS

In the Office Action of June 5, 2007, the Examiner: (1) rejected claim 16 under 35 U.S.C. § 102(e), as anticipated by U.S. Patent No. 6,804,267 (hereinafter "Long-267"); (2) rejected claims 1, 2, and 6-7 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,724,849 (hereinafter "Long-849") in view of U.S. Patent No. 5,127,027 (hereinafter "Takahashi"); (3) rejected claim 10 as being obvious over Long-267 in view of Takahashi, and (4) rejected claim 15 as being obvious over Long-267. The Examiner also indicated that claims 3-5, 9, 11-14, and 17-20 contain allowable subject matter if rewritten in independent form.

Status of the Claims

Claims 1, 3, 10, 11, 16, and 18-20 have been amended. Dependent claim 17 has been incorporated into independent claim 16 and thus is cancelled. Hence, claims 1-16 and 18-20 remain pending.

Rejections Under 35 U.S.C. §102

The Applicant has amended claim 16 to include limitations of claim 17 which the Examiner concluded contains allowable subject matter. The Examiner should now find claim 16 along with its dependent claims to be in condition for allowance for at least the same reason based on which the Examiner concluded claim 17 to be allowable.

Rejections Under 35 U.S.C. §103

Claims 1-2, 6-7, 10, and 15 stand rejected under 35 U.S.C. § 103(a). The Applicant respectfully traverses these rejections because the cited art fails to teach or suggest every limitation of the amended claims.

Claim 1 has been amended to recite in part, "wherein said determining a coarse alignment offset comprises forming a data field from two adjacent measured symbols having a phase difference greater than the predetermined threshold, a measured symbol immediately preceding said two adjacent measured symbols, and a measured symbol immediately following said two adjacent measured symbols." Long-849 fails to teach or suggest this limitation. Long-849 does teach or suggest determining a coarse

alignment offset; however, it does not use a data field from two adjacent measured symbols and the measured symbols immediately preceding and following the two adjacent measured symbols. For example, Long-849 states, "the phase error determination module 604 determines the cross talk type. ... the phase error determination module 604 determines the cross talk type by using the symbol index and training mode" (Long-849, col. 6, lines 25-30). However, there is no mention of exactly how Long-849 would determine coarse alignment offset. Long-849 certainly does not use a data field with two adjacent measured symbols and the measured symbols immediately preceding and following the two adjacent measured symbols as required by claim 1. Takahashi fails to satisfy the deficiency of Long-849 as Takahashi appears to lack any teaching whatsoever regarding a determination of a coarse alignment offset, let alone how that offset would be determined, as required by claim 1. Thus, the combination of Long-849 and Takahashi fails to teach or suggest all of the limitations of claim 1. For at least this reason, claim 1, along with its dependent claims 2-9, is allowable over the cited art.

Claim 10 recites in part, "wherein as part of determining the offset, the executable instructions configure the processor to: establish a data field from two adjacent symbols having a phase difference greater than the predetermined threshold, an immediately preceding symbol, and an immediately following symbol." Long-267 does teach recording a phase offset using a phase comparator, however it does not teach or suggest how the offset would be determined. Long-247 states, "The phase difference between the 400 Hz clock and the measured downstream TCM-ISDN timing window is measured by phase comparator 124, and recorded as phase offset 128. The recorded phase offset 128 is then used during modem operation by burst clock generator 126 to generate the DSL downstream timing window" (Long-247, col. 12, lines 60-65). This is the only location throughout Long-247 in which an offset is contemplated and it does not teach or suggest establishing a data field from two adjacent symbols having a phase difference greater than the predetermined threshold,

an immediately preceding symbol, and an immediately following symbol as required by claim 10. Takahashi fails to satisfy the deficiency of Long-247 as Takahashi appears to lack any teaching whatsoever regarding a determination of a coarse alignment offset, let alone how that offset would be determined, as required by claim 10. Thus, the combination of Long-247 and Takahashi fails to teach or suggest all of the limitations of claim 10. For at least this reason, claim 10 and its dependent claims 11-15 are allowable over the cited art.

Claim 15 recites in part, "wherein the predetermined threshold is about 22.5°." The Examiner concluded that Long-267 fails to explicitly teach that the predetermined threshold is about 22.5°. However, the Examiner also concluded that "one of ordinary skill in the art would have been motivated to incorporate predetermined threshold of 22.5 degree into the communication network in order to improve the system performance" (OA dated 6/5/07, p. 7). This statement seems to be conclusory, and the Applicant respectfully requests the Examiner provide evidence to support this proposition.

CONCLUSION

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. In the event that an extension of time is necessary to allow for consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Texas Instruments Incorporated's Deposit Account No. 20-0668 for such fees.

Respectfully submitted,
/Jonathan M. Harris/

Jonathan M. Harris
PTO Reg. No. 44,144
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANTS